

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PROGRESS RAIL SERVICES,)	
)	
Plaintiff,)	8:05CV98
)	
v.)	
)	
WESTERN HERITAGE CREDIT)	ORDER
UNION, and DAVID G BRADFORD,)	
)	
Defendants.)	
_____)	

This matter is before the court on filing no. 59, the Application for Leave to Proceed In Forma Pauperis ("IFP") filed by defendant-David G Bradford, a prisoner in a state or local corrections facility. Pursuant to 28 U.S.C. § 1915(a)(1), "any court of the United States may authorize the commencement, prosecution **or defense** of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor." (Emphasis added.)¹

The defendant's Application indicates that he is financially eligible to proceed IFP. Therefore, filing no. 59, the defendant's Application to proceed IFP is granted.

SO ORDERED.

DATED this 3rd day of May, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge

¹Pursuant to 28 U.S.C. § 1915(a)(2), a prisoner seeking IFP status in connection with the filing of a complaint or appeal must also submit a certified copy of his or her institutional trust account information for the 6-month period preceding the filing of the complaint or notice of appeal. However, because the defendant is not subject to a filing fee, § 1915(a)(2) does not appear to apply to him. The same is true of 28 U.S.C. § 1915(b)(1)-(3).